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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 ANDREW L. MEEKS, II,

Case No. 3:18-cv-00431-MMD-WGC

7 Plaintiff,

ORDER

8 v.

9 ISIDRO BACCA, *et al.*,

10 Defendants.

11 *Pro se* Plaintiff Andrew L. Meeks, II brings this action under 42 U.S.C. § 1983.  
12 Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of  
13 United States Magistrate Judge William G. Cobb (ECF No. 61), recommending the Court  
14 grant Plaintiff’s motion to voluntarily dismiss his state constitutional claims (ECF No. 58)  
15 and accordingly deny Defendants’ motions for judgment on the pleadings and to stay this  
16 case regarding those state constitutional claims (ECF Nos. 56, 57), primarily as moot.  
17 The parties had until September 13, 2021, to file an objection. To date, no objection to  
18 the R&R has been filed. For this reason, and as explained below, the Court will accept  
19 and adopt the R&R in full.

20 The Court “may accept, reject, or modify, in whole or in part, the findings or  
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
22 fails to object to a magistrate judge’s recommendation, the Court is not required to  
23 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*  
24 *v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,  
25 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
26 recommendations is required if, but *only* if, one or both parties file objections to the  
27 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory  
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1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no  
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review, and is  
4 satisfied Judge Cobb did not clearly err. Here, Judge Cobb first explains that Defendants  
5 moved for judgment on the pleadings on Plaintiff’s Nevada state-law claims, or,  
6 alternatively, to stay this case pending the Nevada Supreme Court’s resolution of a  
7 different case addressing similar state-law claims to those at issue here. (ECF No. 61 at  
8 2-3.) Judge Cobb next notes that Plaintiff responded to these motions in pertinent part by  
9 moving to voluntarily dismiss his state-law claims. (*Id.* at 3.) Judge Cobb then  
10 recommends Plaintiff’s motion to voluntarily dismiss those claims be granted. (*Id.*)  
11 Accordingly, he recommends that Defendants’ pending motions be denied as moot, the  
12 motion to stay in full and the motion for judgment on the pleadings in part to the extent it  
13 relates to Plaintiff’s state-law constitutional claims. (*Id.* at 3-6.) Judge Cobb further  
14 recommends the Court otherwise deny the motion for judgment on the pleadings insofar  
15 as it can be interpreted as asserting that the Court does not have jurisdiction over the  
16 State and the Nevada Department of Corrections with respect to the state tort claims of  
17 assault and battery. (*Id.*) The Court agrees with Judge Cobb’s thorough analysis. Having  
18 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

19 It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No.  
20 61) is accepted and adopted in full.

21 It is further ordered that Plaintiff’s motion to voluntarily dismiss his remaining state-  
22 law constitutional claims (ECF No. 58) is granted.

23 It is further ordered that Defendants’ motion to stay this proceeding while the  
24 certified questions to the Nevada Supreme Court are pending (ECF No. 57) is denied as  
25 moot.

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1 It is further ordered that Defendants' motion for judgment on the pleadings (ECF  
2 No. 56) is denied as explained herein and in the R&R.

3 DATED THIS 17<sup>th</sup> Day of September 2021.

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MIRANDA M. DU  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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